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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/899,369 | 07/02/2001 | Aziz Valliani | A-70469/MAK/LM | 2759 |
| 30636 | 7590 | 07/06/2005 | EXAMINER | |
| FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038 | | | | |
| | | | ART UNIT | PAPER NUMBER |

DATE MAILED: 07/06/2005

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Commissioner for Patents

The appeal brief filed on 4/21/05 does not conform with 37 CFR 41.37(c) and therefore is defective.

37 CFR 41.37(c) requires the brief to contain an Evidence Appendix and a Related Proceedings Appendix.

The Evidence Appendix should contain copies of any evidence entered and relied upon in the appeal. If no evidence has been entered or relied upon the appendix should include a positive statement indicating such.

The Related Proceeding Appendix should contain copies of decisions rendered by a court or the Board in any proceeding identified in the related appeals and interferences section. If there are no decisions rendered on these proceedings then the appendix should include a positive statement indicating such.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS:

(1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer 6/30/05